

PART XV WORK REQUIREMENT

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A. GENERAL PROVISIONS

All persons who are able to work must be working or actively engaged in a work activity in order to receive food stamps. Unless an exemption to the Work Requirement exists, individuals may receive food stamps for only three months during a 36-month period. After the initial three-month period (Y1 benefits), an individual may receive benefits through a Special Exemption (E9) to allow certification up to six months. Special Exemption E9 months may also extend the certification period to six months for households with members who regain eligibility. The E9 code does not apply when a member's exemption status changes during an established certification period.

A nonexempt able-bodied household member must:

1. work for cash wages in any amount or for in-kind goods or services for 20 hours or more per week, averaged monthly;
2. participate in and comply with requirements of an employment services program operated by the Department of Social Services, other than job search, for 20 hours or more per week or for the number of hours assigned for the work experience component as calculated by the household's allotment divided by the federal minimum wage;
3. participate in and comply with non-departmental (DSS) work programs for 20 hours or more per week;
4. serve in an unpaid, volunteer capacity for a public or private agency, at a minimum, for the number of hours that is equal to the household's allotment divided by the federal minimum wage; or
5. any combination of these activities

in order to receive food stamps beyond three months. A nonexempt able-bodied household member may also participate in and comply with Workfare program requirements ([Part XXII](#)) in order to receive food stamps beyond three months. If the member was unable to work, as described above, because of good cause, the member will meet the Work Requirement as long as the absence is temporary and the member retains the job.

The 36-month period is a fixed period from the first of the month in which a household containing an individual subject to the Work Requirement is certified in Virginia. The 36-month period will begin and continue for any household member between the ages of 18 and 50, even if an exemption from the work requirement exists for that member at the time of certification or other case action. Tracking must be completed for all persons within the age range, even when they are exempt.

Any month in which an affected individual receives the full benefit month as part of a certified household will count toward the three-month limit.

Months in which a household receives prorated benefits will not count toward the three-month limit. Months in which the household does not receive an allotment because benefits are prorated to zero (i.e., less than \$10) will not count toward the limit however. Months in which a certified household is eligible to receive benefits but does not actually participate do not count toward the three-month period. Months for which a household repays benefits received erroneously also will not count toward the three-month limit once the household repays the claim in full.

A work program, for the purposes of this provision, will include programs operated under the Workforce Investment Act (WIA) and the Trade Adjustment Assistance Act in addition to the agency-sponsored employment and training programs. Job search activities assigned through FSET or other state or local social services programs are not acceptable tasks to count toward establishing a household member's eligibility for continuing benefits beyond the initial three-month limit. Job search activities assigned through WIA will be evaluated as an acceptable task however.

After three months of receiving benefits and a varying **number** of E9 months, an individual, not exempt from the Work Requirement, is not entitled to additional benefits during the balance of the 36-month period, except as allowed in Part XV.C. The agency must send an advance notice to participating households when a member becomes ineligible to participate further. These household members are disqualified household members during any period in which the individuals do not meet the Work Requirement. See [Parts VI.C](#) and [XII.E](#) for a discussion of disqualified household members.

Ongoing households with members who are not eligible because of the work requirement must continue to report changes involving these members.

B. WORK REQUIREMENT EXEMPTIONS

The following persons are exempt from the Work Requirement:

1. Any person who is under 18 years of age or over 50 years of age. See [Part XIII.A.2](#).
2. Any person who is medically certified as mentally or physically unfit for work.
3. Any adult member of a food stamp household of which a child under age 18 is present.
4. A pregnant woman.
5. Any resident of an exempt locality. The exemption may be based on the unemployment rate of the locality or its identification as a Labor Surplus Area.

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6. Any person who is otherwise exempt from work registration as outlined in [Part VIII.A.1](#).

The agency must establish the 36-month period and track the reasons for the exemption for each person that meets an exemption other than age.

C. REGAINING ELIGIBILITY

Nonexempt individuals denied eligibility after **being eligible for** three months **of Y1 initial benefits**, or those who would have been denied if an application had been filed, can regain eligibility. These individuals may regain eligibility only under specific conditions for the balance of the 36-month period. Individuals who regain eligibility by being exempted from the requirement will remain eligible as long as the exemption exists. Individuals who regain eligibility through work activities, as listed below, are eligible for a maximum of three months **of Regained Benefits (Y2)** if they are no longer working or involved in a work activity.

1. Eligibility Dependent on Changes in Circumstances

Food stamp eligibility may be reestablished for an individual who loses eligibility because of the Work Requirement if the individual becomes exempt from the Work Requirement as listed in [Chapter B](#). For participating households, an individual may regain eligibility the month following the month the change occurs. Reapplying households may regain eligibility on the date of application or a later date if the individual's status has changed.

2. Eligibility Dependent on Work Activities

Nonexempt individuals denied after **being eligible for** the initial three-month **period of Y1** benefits, or any subsequent period of unemployment, may regain eligibility only if the individual:

- a. Works 80 hours or more during a 30-calendar day period;
- b. Complies with Workfare requirements during a 30-calendar day period; or
- c. Complies with requirements of work programs identified in [Part XV.A](#) for 80 hours or more during a 30-calendar day period.

The case record must be documented to show that the required work effort met the 80-hour/30-day requirement. The documentation must include the number of hours, place and

period of employment. Households may not use any work activities performed before the three-month eligibility period **for Y1 or Y2 benefits** have expired to regain eligibility.

Nonexempt individuals who have received their three initial months of benefits (Y1) can receive food stamps for up to three consecutive months (Y2) once the 80-hour, 30-day requirement has been satisfied. **Once the evaluation period for regained benefits begins, the period must continue even if the individual is ineligible for food stamp benefits during a portion of the period.** Benefits for the second three-month period may be provided only if the qualifying work (a-c above) has terminated or is reduced below the qualifying standards of Chapter A. **Once the EW establishes eligibility for Y2 benefits, the individual may receive Special Exemption benefits to extend the certification period to six months.**

If the qualifying work continues after the initial 80 hours, eligibility may continue under the normal Work Requirement rules. Entitlement to the Y2 benefits is postponed until a later time during which the household member is no longer working or is no longer exempt from the Work Requirement.

Applications filed for nonexempt household members before the completion of the 80 hours/30-day rule must be denied if the 80 hours will not be completed during the month of application. If the 80 hours will be completed during the month of application but after the application filing date, benefits must be prorated from the date after eligibility is established. See [Part XIII.D.2](#) for additional information regarding the calculation of benefits.

Regaining and Maintaining Eligibility

After receipt or authorization of the second set of benefits (Y2), following subsequent periods of unemployment or underemployment (less than 20 hours per week), a nonexempt member must regain (a-c above) and maintain that eligibility by engaging in a work activity as required by Chapter A. During a period of unemployment or underemployment, a nonexempt member is not eligible for benefits. There is no limit to the number of times a member may engage in this regaining-maintaining eligibility cycle.

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Localities Whose Residents Are Exempted from the Work Requirement*

| July 2001- April 2003 | May 2003- June 2004 | July 2004- June 2005 | July 2005- June 2006 |
|----------------------------------|--------------------------------|---------------------------------|---------------------------------|
| Accomack | Appomattox | Appomattox | Amelia |
| Buchanan | Bland | Buchanan | Amherst |
| Carroll | Buchanan | Carroll | Appomattox |
| Danville | Carroll | Danville | Bedford |
| Dickenson | Danville | Dickenson | Bland |
| Giles | Dickenson | Galax | Bristol |
| Grayson (3/02) | Galax | Giles | Brunswick |
| Halifax | Giles | Grayson | Buchanan |
| Henry/ (3/02) | Grayson | Halifax | Buckingham |
| Martinsville | Halifax | Henry/ Martinsville | Campbell |
| Lee | Henry/ Martinsville | Lancaster | Carroll |
| Norton | Lancaster | Lunenburg | Charles City |
| Russell | Lunenburg | Mecklenburg | Charlotte |
| Surry | Mecklenburg | Northumberland | Cumberland |
| Tazewell | Northumberland | Patrick | Danville |
| Wise | Norton | Petersburg | Dickenson |
| | Patrick | Pittsylvania | Dinwiddie |
| | Petersburg | Pulaski | Franklin Co. |
| | Pittsylvania | Russell | Galax |
| | Pulaski | Smyth | Giles |
| | Russell | Williamsburg | Grayson |
| | Smyth | Wythe | Greensville/ Emporia |
| | Surry | | Halifax |
| | Williamsburg | | Henry/ Martinsville |
| | Wise | | Hopewell |
| | Wythe | | Lee |
| | | | Lunenburg |
| | | | Lynchburg |
| | | | Mecklenburg |
| | | | Norton |
| | | | Nottoway |
| | | | Page |
| | | | Patrick |
| | | | Petersburg |
| | | | Pittsylvania |
| | | | Prince Edward |
| | | | Prince George |
| | | | Pulaski |
| | | | Russell |
| | | | Scott |
| | | | Smyth |
| | | | Surry |
| | | | Sussex |
| | | | Tazewell |
| | | | Washington |
| | | | Williamsburg |
| | | | Wise |
| | | | Wythe |

*The agency must track the work requirement for all household members except those persons under 18 or over age 50.

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